



STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. BOX 3378
HONOLULU, HAWAII 96801-3378

In reply, please refer to:
EMD / CWB

WQC536.FNL

February 7, 2003

Lt. Col. David C. Press
District Engineer
Department of the Army
U.S. Army Engineer District, Honolulu
Fort Shafter, Hawaii 96858-5440

Mr. Peter T. Young, Chair
Department of Land and Natural Resources
State of Hawaii
P.O. Box 621
Honolulu, Hawaii 96809-0621

Dear Lt. Col. Press and Mr. Young:

**Subject: Section 401 Water Quality Certification for Department of the Army
State Programmatic General Permit (SPGP) for
Beach Nourishment, Restoration and Enhancement in the State of Hawaii
File No. WQC 0000536/Army File No. SPGP 2001-01**

In accordance with the provisions of the Clean Water Act, as amended (33 U.S.C. 1251 et seq.; the "CWA"), Chapters 91, 92 and 342D of the Hawaii Revised Statutes (HRS), Part 121 of Title 40, Code of Federal Regulations (CFR), and Chapter 11-54 of the Hawaii Administrative Rules (HAR), the Department of Health (Department) has reviewed your Section 401 Water Quality Certification (WQC) application. The Department bases its WQC on the evaluation of information contained in the Section 401 WQC application (dated July 2001) submitted with a letter (dated July 16, 2001) from Lieutenant Colonel Ronald N. Light and the draft Department of the Army (DA) State Programmatic General Permit (SPGP) published in the July 10, 2001 Public Notice (PN, File No. SPGP 2001-01) by the Honolulu Engineer District (HED) of the U.S. Army Corps of Engineers (COE) and subsequent correspondences from the HED/COE dated May 17, 2002.

This WQC is required for any owner or its duly authorized representative seeking work authorization (verification) under DA SPGP File No. SPGP 2001-01 titled "Beach Nourishment, Restoration and Enhancement in the State of Hawaii" to be issued by the HED/COE under the provisions of Section 404 of the CWA (33 U.S.C. 1344) and Section 10 of the Rivers and Harbors Act (33 U.S.C. 403) of 1899.

The Director of Health (Director) attests that, when all terms, requirements, restrictions, and limitations contained in this WQC are fully complied with, there is a reasonable assurance that the activities will be conducted in a manner which will not violate the Basic Water Quality Criteria applicable to all waters and the Specific Water Quality Criteria applicable to the class of State waters where the proposed discharges would take place.

1. Coverage of this WQC

- a. This WQC covers the placement of up to a maximum of 10,000 cubic yards (CY) beach sand of acceptable quality on sand beaches and/or in waters:

- (1) As a viable alternative to shoreline hardening/armoring; or
- (2) To nourish, restore, or enhance the existing sand beaches. Temporary installation of sand filled porous geotextile bags to act as the small scale sand retention devices to retain the placed sand or to act as shore protection on the adjacent beaches shall be permissible only if accomplished in conjunction with sand placement for nourishment, restoration or enhancement on existing sand beaches and under certain situations where the effects of the structures on coastal processes, marine organisms, mauka property and public access, can be shown to be negligible or otherwise benign due to existing conditions. The 10,000 CY limit includes sand used to fill the geotextile bags. The temporarily constructed geotextile sand bags shall be dismantled at DA permittee's own cost and liability when the monitoring result do not support the fact that "effects of the structures on coastal processes, marine organisms, mauka property and public access, can be shown to be negligible or otherwise benign due to existing conditions."

- b. Temporary Construction and Restoration

This WQC covers the temporary installation and subsequent removal of sand placement construction activity(ies)-related erosion protection measures, including, but not limited to, appropriate and effective silt containment devices may be allowed provided a detailed Temporary Construction and Restoration Plan as required in Subsection 5. has been submitted and acceptable to the Director. Construction of temporary or permanent offshore submerged rock berm to act as the small scale sand retention devices to retain the placed sand or to act as shore protection on the adjacent beaches shall not be allowed under this WQC.

c. Geographical Area Exclusions

This WQC does not apply to the following water bodies:

- (1) Natural freshwater lakes, saline lakes and anchialine pools as identified in the Hawaii Administrative Rules (HAR), Paragraph 11-54-05.2(a).
- (2) Inland Waters: Class 1 (including 1.a. and 1.b.) as identified in HAR, Paragraph 11-54-03(b)(1) and Subsection 11-54-05.1.
- (3) Estuaries as identified in HAR, Paragraphs 11-54-03(b)(2), 11-54-05.1(b) and 11-54-05.2(d).
- (4) Marine Waters: Class AA as identified in HAR, Paragraph 11-54-03(c)(1) and Section 11-54-06.
- (5) Embayments as identified in HAR, Paragraphs 11-54-03(c)(1) and 11-54-03(c)(2) and Section 11-54-06.
- (6) Marine Bottom Ecosystems other than Class II Sand Beaches as identified in HAR, Paragraph 11-54-03(d)(2) and Subsection 11-54-07(a).
- (7) Water Quality-Limited Segments listed by the Department pursuant to CWA, Subsection 303(d).

d. Limitations on Coverage

This WQC does not apply to any of the followings:

- (1) After-The-Fact application, in whole or in part, submitted under DA, SPGP 2001-01.
- (2) Provisional authorization (verification) issued by the HED/COE and/or the Coastal Land Program (CLP) of the State Department of Land and Natural Resources (DLNR), as appropriate, in accordance with Section 2 and Subsection 9.r of the DA, SPGP 2001-01.
- (3) The discharge(s) is regulated under CWA, Section 402.
- (4) At any location where the work has been previously authorized (verified) under the DA, SPGP 2001-01, and the effects to the physical (including the shoreline and beach profile), chemical, and/or biological environment of the affected site

have not been properly identified/documented or adverse impacts resulting from the authorized discharge activities (either directly or indirectly) are identified/documented.

- (5) Activity(ies) to be authorized under DA, SPGP 2001-01, is inconsistent with criteria established in HAR, Subsection 11-54-01.1 or Section 11-54-03.
- (6) Competing existing uses presented in the affected receiving State waters.
- (7) When the Director finds that it is more appropriate to evaluate the project impacts under an individual application for a WQC.
- (8) The project is in the public interest.

2. Terms of this WQC

- a. This WQC shall become effective the date this WQC is signed and accepted by both the HED/COE and CLP/DLNR.
- b. This WQC shall expire midnight, February 1, 2008, or until the applicable State Water Quality Standard(s) (WQS) is revised or modified, or the DA, SPGP 2001-01, expires or is revised or modified, whichever is earliest.
- c. This WQC may be modified, revoked, or revoked and reissued when the Director finds it is in the public interest in accordance with HRS, Chapters 91, 92, and 342D.
- d. All terms, requirements, limitations, and restrictions specified in this WQC shall constitute as part of the DA, SPGP 2001-01, conditions and shall be enforced by the HED/COE and/or CLP/DLNR, as appropriate, through the compliance of the DA, SPGP 2001-01 conditions.
- e. The HED/COE and/or CLP/DLNR, as appropriate, shall direct and ensure the DA, SPGP 2001-01, permittee will undertake immediate corrective measure(s) to mitigate the noncompliance or violations of any terms, requirements, limitations, or restrictions specified in this WQC. These actions shall not preclude the Department from taking enforcement action authorized by law.

3. Verification of WQC Coverage

- a. The WQC coverage authorized under this WQC for each individual work authorization to be verified by the HED/COE or CLP/DLNR, as appropriate, under the authorization of DA, SPGP 2001-01, shall become valid only when:
 - (1) The notification information required in Item 5, below, has been submitted and acceptable to the Department. The required information shall be submitted through the HED/COE and/or CLP/DLNR, as appropriate, to the Department for review and comment. It shall be the applicant's responsibility to properly address all sand placement activities-related concern(s) and comment(s) to the Director's satisfaction. The HED/COE and/or CLP/DLNR shall ensure that the applicant will submit such additional information to the Department in a timely manner.
 - (2) The Department has issued a written verification letter that the proposed sand placement activity-related discharge complies with the terms, requirements, restrictions, and limitations of this WQC. The Director reserves the right to post additional conditions, as appropriate, in its final verification letter. The Director also reserves the right to review any application for a verification of a WQC coverage under the authorization of this WQC to be evaluated and processed as an individual WQC application. Compliance with the terms, requirements, restrictions, and limitations of this WQC does not automatically guarantee a verification of a WQC coverage under this WQC.
- b. The WQC coverage authorized under this WQC for each authorized (verified) sand placement activity shall only be valid for one (1) year from the date of the written verification letter, as specified in Paragraph 3.a(2), above, issued by the Department. If the applicable WQS is revised or modified during the one-year period and the activity related discharges comply with the revisions or modifications, the WQC coverage issued by the Department under the authorization of this WQC shall continue to be valid for the remainder of the one-year period. Any request for an extension to the WQC coverage for an extension to the authorization as specified under Subsection 9.h of the DA, SPGP 2001-01, will be processed as a new application.

4. Modification or Revocation of an WQC Coverage Verified (or Issued) Under this WQC

The WQC coverage verified (issued) by the Department under the authorization of this WQC for each sand placement-related activities authorized (verified) by HED/COE and/or

CLP/DLNR, as appropriate, under the DA, SPGP 2001-01, may be modified or revoked at the Director's discretion or when:

- a. State WQS applicable to the waters into which the sand placement-related activity may discharge are subsequently established before the sand placement-related activity is completed and the Director determines that the activity is violating the new WQS, the Director shall notify the Permittee and the HED/COE and/or CLP/DLNR, as appropriate, of the violation of the new WQS. The Permittee shall cease and correct the violation within 180 days of the date of the notice. If the Permittee fails within 180 days of the date of the notice to cease and correct the violation, the Director may revoke the WQC coverage, at the Director's discretion.
- b. The discharge(s) from the permitted sand placement-related activity is violating any of the existing WQS or any terms, requirements, restrictions, or limitations of this WQC or conditions contained in the issued WQC coverage verification letter, the Director shall notify the DA, SPGP 2001-01, Permittee and the HED/COE and/or DLNR, as appropriate, of the violation. The Permittee shall cease and correct the violation within 24 hours of the date of the notice. If the Permittee fails within 24 hours of the date of the notice to cease and correct the violation, the Director may revoke the WQC coverage, at the Director's discretion.
- c. The WQC coverage was obtained by misrepresentation, or there was a failure to disclose fully all relevant facts.
- d. There is a change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge.
- e. The Director finds it is in the public interests.

Written notification by the Director under this section is complete upon mailing, or sending a facsimile transmission of a document or actual receipt of the document by the Permittee and/or the HED/COE and/or CLP/DLNR, as appropriate.

5. Notification Requirements

Following information are deemed necessary for the Department to determine whether the proposed activity is qualify for a WQC coverage under the authorization of this WQC:

- a. The legal name(s), street address, contact person's name and position title, and telephone and fax numbers of the owner(s) and, if applicable, its duly authorized representative. When the notification is prepared and/or submitted by the owner's

- duly authorized representative, an authorization statement with the owner's original signature shall also be submitted. Any signatures required in this WQC shall be provided as described in 40 CFR, §122.22(a).
- b. All information required in Section 8 of the DA, SPGP 2001-01, shall be submitted to Department through the HED/COE and/or CLP/DLNR, as appropriate.
 - c. In addition to submit to the Department the information required in Section 8 of the DA, SPGP 2001-01, the owner or its duly authorized representative seeking work authorization (verification) under the DA, SPGP 2001-01, is further required to submit through the HED/COE and/or CLP/DLNR, as appropriate, to the Department the following supplemental information:
 - (1) The scope of work and/or a description of the overall project, including the construction and/or operation of the temporary facility(ies) and/or activity(ies) and/or equipment which may result in discharges into State waters.
 - (2) A Site-Specific Best Management Practices (BMPs) Plan:
 - (a) The BMPs Plan shall be designed, implemented, operated, and maintained by the Permittee in a manner to properly isolate and confine the construction activity(ies) and to contain and prevent any potential pollutant(s) discharges from adversely impacting the State waters.
 - (b) The BMPs Plan, at a minimum, shall include site characterization; construction sequence; construction method; characteristics of the discharge and potential pollutants associated with the proposed construction activity; and proposed control measures and/or treatment.
 - (c) The BMPs Plan shall include an adequate and effective silt containment device(s). The device(s) shall be installed in a manner to properly isolate and confine the construction activity(ies) and to contain and prevent any potential pollutant(s) discharges from adversely impacting the State waters.
 - (d) A site-specific BMPs Plan shall also include a detailed Temporary Construction and Restoration Plan (Plan) if temporary construction activities such as the installation and removal of silt containment device(s), the construction of sand filled geotextile bags act as the temporary small sand retention devices or act as temporary shore erosion control measures, temporary construction access, temporary stream diversion (dewatering) measures, staging and storage areas, desilting

and/or dewatering basins, or any other similar activities that are needed for the project construction to be authorized under DA, SPGP 2001-01. The Plan shall include typical sections, locations, and analytical report on material to be used for the temporary structures, duration for each of the temporary structures to be left in State waters and/or on land, BMPs and/or mitigation measures to be used for the construction and removal of the temporary structures (including the sand filled geotextile bags), color photographs shall be taken at all affected areas (including both upland and aquatic environment) before and after the proposed construction activities, information on the physical, chemical, and biological property of the disturbed areas, methods to be used to restore the disturbed areas, and methods to be used to determine the adequacy of the restoration activity. If restoring the site to its preconstruction condition is impractical or impossible, a written justification and the detailed disturbed site stabilization plan acceptable to the site/project owner, as appropriate, shall be submitted for review and comment.

- (e) If the installation of temporary geotextile sand bags, as specified in Paragraph 1.a(2), above, or the temporary construction activity such as specified in Subsection 1.b, above, is proposed, the BMPs Plan shall contained the following additional information:
 - (i) BMPs and monitoring measures adequate to address the concerns resulting from the discharge of suspended fine particles.
 - (ii) A Detailed Temporary Construction Plan. The Plan, at a minimum, shall include typical section, location, and material to be used for the temporary structures, duration of the temporary structures to remain in State waters, temporary construction access, BMPs or mitigation measures to be used for the construction and removal of the temporary structures.
 - (iii) Information on stream flow, calculations (i.e., two-year, 24-hour rainfall event) used to maintain the temporary stream flow rate, and design concerns for the construction of temporary access and/or dewatering (stream flow diversion) structures.
 - (iv) Appropriate/additional monitoring measures in the Applicable Monitoring and Assessment Plan as specified in Paragraph 5.c(2), above, that will properly address the concerns (including effects of the structures on coastal processes, marine organisms, mauka property and public access, can be shown to be negligible or

otherwise benign due to existing conditions) resulting from the construction and removal of the temporary access, structures, and/or facilities.

- (v) A detailed Construction Site Restoration Plan. The Plan, at a minimum, shall include color photographs taken at all disturbed areas (including both upland and aquatic environment) before and after the proposed construction activities; information on the physical, chemical, and biological property of the disturbed areas; BMPs measures and methods to be used to restore the disturbed areas; and methods to be used to determine the adequacy of the restoration activity. If restoring the site to its preconstruction condition is impractical or impossible, a written justification and the detailed disturbed site stabilization plan acceptable to the site/project owner, as appropriate, shall be submitted for review and comment.
- (f) If pumping or excavation of sand from an offshore area(s) to the adjacent beaches to nourish an erosion hot spot is proposed The BMPs Plan shall contain the following information:
 - (i) A map with coordinates demonstrate the location(s) of the offshore sand source(s); the pumping design (including the flow chart) and methods; and the pumping rate and duration with appropriate calculations and/or justifications.
 - (ii) The analytical data of the sediment (sand) quality, treatment design, design concerns, calculations used in the treatment design, and proposed mitigative measures.
 - (iii) An applicable dewatering return flow (effluent) or runoff water chemistry monitoring plan.
 - (iv) Sampling parameters established by the PTE, on a case-by-case basis and pursuant to Subsection 8.f of DA, SPGP 2001-01, shall be forwarded to the CWB along with all other information submitted with applicant's application.
- (3) An Applicable Monitoring and Assessment Plan:

The Plan, at a minimum, shall include description of the methods and means being used or proposed to monitor the quality and characteristics of the discharge (including the sand to be placed); the method and means being to

monitor and evaluate the existing and post construction physical, chemical, and biological environment at the affected project site; the operation of equipment or facilities employed in the control of the proposed discharges; a map showing the locations of the monitoring points; reporting requirements; and assessment of monitoring results to demonstrate how the project construction activity would be in compliance with the applicable State WQS and/or would not cause adverse impacts to the existing marine and coastal environment.

At a minimal, the Department's "General Monitoring Guidelines for Section 401 Water Quality Certification Projects" shall be followed. The Plan shall be properly implemented by the applicant. Monitoring matrix can be located at the CWB's website at: <http://www.state.hi.us/health/eh/cwb/forms/index.html>.

- (4) Detailed information on the physical (including the beach profile), chemical (including sand and waters), biological (including marine bottom biological ecosystem) and recreational environment at the affected site(s). Photographs, videos, records, reports, scaled drawings, and/or other appropriate supporting information shall be submitted.
- (5) The name(s) of the State waters where the discharge will occur, the latitude and longitude of the discharge point(s), the classification of the State waters, and the associated existing recreational and other uses. If the placement of fill or dredged/excavated material into any special aquatic site (including wetlands) is involved, the owner or its duly authorized representative shall delineate the affected special aquatic site (including wetlands) on a 8-1/2" X 11" map and submit the delineation to the Department.
- (6) A scaled drawing on a map showing the project legal boundary, beach profiles (including pre-existing, existing, and proposed (post) beach profile) at the affected project site(s). Submit photos, videos or any other appropriate types of visual evidences of the pre-existing and existing beach profiles. Color photos of the post construction beach profile shall be submitted as part of the compliance report as required in Subsection 9.c of the DA, SPGP 2001-01, to the Department.
- (7) Samples and analytical reports of the existing beach sand and sand to be placed on sand beaches or in waters. Sand obtained from terrestrial source shall be sifted/screened for debris and non-beach materials and shall be monitored for organic contents. No more than 50% of the grain size distribution of sand to be placed on beaches or in waters shall be smaller than 0.125 millimeters in diameter. Sand obtained from boat harbors and stream/river mouth shall be monitored for pollutants that may be the result of the harbor operations and/or upland use in the watershed of the stream/river.

- (8) Supporting documentation (e.g. maps, plans, specifications, copies of associated federal permits or licenses, federal applications, Environmental Assessments or Environmental Impact Statements, as applicable, etc.).

The Director shall have at least 30 days to review and provide comment after received a copy of the Notification. The owner or its duly authorized representative shall properly address the Director's concern(s) and comment(s) within 30 days of receiving the Director's notification. Failure to properly address the Director's concern(s) or comment(s) or correct a deficiency in a timely manner shall be sufficient grounds for denial of a request for a WQC coverage without prejudice.

6. Discharge Limitations

- a. All waters shall be free of substances attributable to the sand placement-related activities authorized under this WQC and DA, SPGP 2001-01, including:
 - (1) Materials that will settle to form objectionable sludge or bottom deposits.
 - (2) Floating debris, oil, grease, scum, or other floating materials.
 - (3) Substances in amounts sufficient to produce taste in the water or detectable off-flavor in the flesh of fish, or in amounts sufficient to produce objectionable color, turbidity or other conditions in the receiving waters.
 - (4) High or low temperatures; biocides; pathogenic organisms; toxic, radioactive, corrosive, or other deleterious substances at levels or in combinations sufficient to be toxic or harmful to human, animal, plant, or aquatic life, or in amounts sufficient to interfere with any beneficial use of the water.
 - (5) Substances or conditions or combinations thereof in concentrations which produce undesirable aquatic life.
 - (6) Soil particles resulting from erosion on land involved in earthwork, such as the construction of public works; highways; subdivisions; recreational, commercial, or industrial developments; or the cultivation and management of agricultural lands.
- b. State waters, including sand beaches, affected by the sand placement-related activities is subject to monitoring and to the standards for acute and chronic toxicity and the protection of human health as specified in HAR, Subsection 11-54-04(b).
- c. Episodic deposits of flood-borne sediment shall not occur in quantities exceeding an equivalent thickness of 10 millimeters (0.40 inch) 24 hours after a heavy rainstorm.

- d. Oxidation - reduction potential (EH) in the uppermost 10 centimeters (four (4) inches) of sediment shall not be less than +100 millivolts.
- e. No more than 50% of the grain size distribution of sediment shall be smaller than 0.125 millimeters in diameter.
- f. The discharge resulting from the sand placement-related activity(ies) permitted under the authorization of DA, SPGP 2001-01, shall not interfere with or become injurious to any assigned uses made of (designated uses, as defined in HAR, Section 11-54-01, and specified in HAR, Section 11-54-03), or presently in (existing uses, as defined in HAR, Section 11-54-01, and specified in HAR, Subsection 11-54-01.1), those waters.

7. Other Requirements

- a. The HED/COE or CLP/DLNR, as appropriate, shall transmit a copy of the following to the CWB:
 - (1) The final SPGP 2002-01 issued by the HED/COE;
 - (2) A copy of the duly signed "Coordination Agreement" as specified in Section 2 of the DA, SPGP 2001-01.
 - (3) The Notification information submitted by the owner or its duly authorized representative as required in Item 5, above, for review and comment. The Director shall have at least 30 days to review and provide comment on the information received.
 - (4) A copy of each individual work authorization (verification) issued by the HED/COE and/or CLP/DLNR, as appropriate.
- b. The DA, SPGP 2001-01, Permittee shall:
 - (1) Comply with all conditions as specified in DA, SPGP 2001-01.
 - (2) Invite the Department's representative(s) to attend the pre-construction meeting, if applicable, established for the proposed sand placement activity.
 - (3) Notify the Department's Clean Water Branch (CWB) [via telephone number (808) 586-4309] and appropriate District Health Office (DHO) [Hawaii: (808) 933-0401, Maui: (808) 984-8234, Kauai: (808) 241-3323] at least three (3) working days before any work is to begin.

- (4) Comply and shall also require the contractor(s) to comply with the notification, specifications, acceptable site-specific BMPs Plan, applicable Monitoring and Assessment Plan, applicable Mitigation and/or Compensation Plan, and any other project-related information or requirements submitted to the CWB either directly or through the HED/COE and/or CLP/DLNR, as appropriate.
- (5) Properly conduct or contract with a qualified laboratory/environmental consultant to conduct applicable monitoring and assessment in accordance with the applicable Monitoring and Assessment Plan that is required under this WQC and is acceptable to the Director.

The DA, SPGP 2001-01, permittee shall forward all monitoring results and compliance reports to the CWB as soon as they become available or otherwise as specified in the accepted monitoring plan. Field data shall be forwarded to the CWB by FAX the same day of the sampling.

Test methods promulgated in 40 CFR, Part 136, effective on July 1, 1998, and, when applicable, the chemical methodology for sea water analyses (see HAR, Section 11-54-10) shall be used. The detection limits of the test methods used shall be equal to or lower than the applicable water quality standards as specified in HAR, Chapter 11-54. For situations where the applicable water quality standard is below the detection limits of the available test methods, the test method which has the detection limit closest to the applicable water quality standards shall be used. If a test method has not been promulgated for a particular parameter, the applicant may submit an application through the Director for approval of an alternate test procedure by following 40 CFR, §136.4.

- (6) The DA, SPGP 2001-01, permittee shall temporarily cease the dredging/excavation and/or sand placement and/or the construction of small sand retention devices operations when turbidity monitoring results collected from the impact station, immediate outside the implemented BMPs and/or silt containment measure(s) is 10% (or 10.0 ntu, whichever is lower) or more higher than the turbidity monitoring results collected at the control station represents the ambient water quality. The DA, SPGP 2001-01, permittee shall:
 - (a) Inspect the affected site(s) to ascertain the source of the plume.
 - (b) Refurbish, modify, and/or improve the implemented control measures, e.g., silt containment devices will be repaired.
 - (c) Continue the work only after the plume or oil is no longer visible.

The DA, SPGP 2001-01, permittee shall not hold the Department responsible for any damages or costs incurred due to the temporary cessation of the dredging/excavation operations and/or sand placement and/or the construction and/or placement of small sand retention devices.

- (7) Forward all monitoring results to the CWB as soon as they become available or otherwise as specified in the acceptable Plan. Field monitoring data shall be forwarded to the CWB by FAX or e-mail the same day of the sampling.
- (8) Install a silt curtain(s) or other appropriate and effective silt containment device(s) prior to the commencement of any sand placement activity(ies)-related construction works. The silt curtain(s) or other appropriate and effective silt containment device(s) shall be installed in a manner to properly isolate and confine the sand placement-related activity(ies) and to contain and prevent any potential pollutant(s) discharges from adversely impacting the State waters; be properly maintained throughout the entire period of the sand placement activity(ies)-related construction work; and not be removed until the sand placement activity(ies)-related construction work is completed and the water quality in the affected area has returned to its pre-construction condition as demonstrated by the monitoring results. The DA permittee shall ensure that all sand placement (construction) activity-related discharges be conducted in a manner that will not result in noncompliance with the "Basic Water Quality Criteria Applicable to All Waters" as specified in HAR, Section 11-54-04(a).
- (9) The sand placed on sand beaches and/or in waters shall free of clay, roots, branches and other organics, rubble, and other non-beach material; and, must be compatible in color and texture with the native beach sediment. Sand from terrestrial source shall be sifted/screened for debris and other pollutants and be monitored for organic contents. Mansand shall not be used as the beach nourishment material.
- (10) Ensure that all material(s) placed or to be placed in State waters be free of waste metal products, organic materials, debris, and any pollutants at toxic or potentially hazardous concentrations to aquatic life as identified in HAR, Subsection 11-54-04(b).
- (11) Heavy equipment shall not be allowed to enter waters except during the process of remove sand plug from the stream mouth and/or during sand pumping activity while effective silt containment devices are properly deployed/maintained surround the equipment and the equipment is properly mounted on a barge or similar vessel.

- (12) Ensure that construction debris will be contained and prevented from entering or re-entering State waters.
- (13) Immediately cease the portion of the construction work which is causing or may cause non-compliance with HAR, Subsection 11-54-04(a) or Subsection 11-54-04(b) as is indicated through water quality monitoring, daily inspection or observations, or the portion of the construction is damaging or will cause damage to the existing aquatic environment or existing uses. The construction activity shall not resume until adequate mitigative measures are implemented and appropriate corrective actions are taken and approved by the Director. The Permittee shall not hold the Department responsible for any damages or costs incurred due to the cessation of the construction works.
- (14) Immediately report any spill(s) or other contamination(s) that occurs at the project site to the CWB and the appropriate DHO.
- (15) Notify the CWB and the appropriate DHO in writing within 14 days after the completion of the proposed sand placement related construction activities.
- (16) Ensure that all temporarily constructed facilities or structures will be properly removed immediately after the completion of the permitted construction works. The temporarily constructed geotextile sand bags shall be dismantled at DA permittee's own cost and liability when the monitoring result do not support the fact that "effects of the structures on coastal processes, marine organisms, mauka property and public access, can be shown to be negligible or otherwise benign due to existing.
- (17) Allow the Department's representative(s) to make periodic inspections in accordance with HRS, Section 342-8.
- (18) Discontinue the work during storm conditions.
- (19) Hold clearing and grubbing work to a minimum.
- (20) Ensure that:
 - (a) Erosion and sediment control measures be in place and functional before sand moving operations begin.
 - (b) Temporary soil stabilization be applied on areas that will remain unfinished for more than 30 calendar days.

- (c) Permanent soil stabilization be applied as soon as practicable after final grading.

The DA, SPGP 2001-01, permittee shall ensure that the contractor(s) maintains, at the construction site or in the nearby field office, a record that these requirements have been fully complied with.

- (21) Review and update the effectiveness and adequacy of the Applicable Monitoring and Assessment Plan, implemented best management practices, and/or environmental protection measures as often as needed. The Permittee shall modify the Applicable Monitoring and Assessment Plan, best management practices, and/or environmental protection measures upon request or when instructed by the Director. Any change(s) to the implemented site-specific BMPs Plan or Applicable Monitoring and Assessment Plan or correction(s) or modification(s) to information already on file with the Department shall be submitted to the CWB, for review and comment, as such change(s), correction(s) or modification(s) arise. The Permittee shall properly address all comment(s) and/or concern(s) to the Director's satisfaction before such change(s), correction(s) or modification(s) become effective.
- (22) Ensure that all debris and/or dredged/excavated materials will be properly removed from the aquatic environment and be disposed of at an upland Federal, State or County approved sites. The enclosed Solid Waste Disclosure Form for Construction Sites shall be completed and returned to the Department's Office of Solid Waste Management. No construction material or construction-related materials shall be stockpiled, stored, or placed in the aquatic environment or stored or placed in ways that will disturb the aquatic environment.
- (23) Obtain a National Pollutant Discharge Elimination System (NPDES) permit for any discharge(s) that is regulated pursuant to CWA, Section 402, and HAR, Chapter 11-55.
- (24) Comply with all new State Water Quality Standards adopted by the Department after the effective date of this WQC and/or after received the WQC coverage verification letter issued by the Director.
- (25) Warning sign shall be installed prior to the initiation of any sand placement-related activities to warn the beach users of the potential health and safety hazards resulting from the permitted sand placement-related activities.
- (26) Maintain, or require the contractor to maintain, a copy of the WQC coverage verification letter issued under the authorization of this WQC and the NPDES permit, when required, at the construction site or in the nearby field office.

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It shall constitute a violation under HRS, Chapter 342D; HAR, Chapter 11-54; and this WQC if any discharges resulting from the sand placement-related activities authorized under DA, SPGP 2001-01, resulting in any noncompliance to terms, requirements, restrictions, or limitations as specified in this WQC. The Department reserves the right to take enforcement actions authorized by law.

The HED has published a Notice of Proposed Section 401 WQC in **The Garden Island, Honolulu Star Bulletin, Honolulu Advertiser, The Maui News, West Hawaii Today, and Hawaii Tribune-Herald** on December 13, 2002 for the subject activity.

After consideration of the expressed views of all interested persons and agencies and pertinent State statutes and rules, the Department hereby issues this WQC to the HED and DLNR for Beach Nourishment, Restoration and Enhancement projects to be verified/authorized by the HED and/or DLNR, as appropriate, in the State of Hawaii subject to all terms and conditions of the subject DA SPGP 2001-01.

Should you have any questions, please contact Mr. Edward Chen of the Engineering Section, CWB, at (808) 586-4309.

Sincerely,

/s/ Jane K. Kadohiro
for CHIYOME L. FUKINO, M. D.
Director of Health

Enclosure: Solid Waste Disclosure Form for Construction Sites

- c: Pacific Islands Contact Office, U.S. EPA Region 9 (w/o encl.)
- U.S. Fish and Wildlife Service (w/o encl.)
- U.S. National Marine Fisheries Service (w/o encl.)
- CZM Program, Office of Planning/State DBEDT (w/o encl.)
- Division of Aquatic Resources, State DLNR (w/o encl.)
- Land Division, State DLNR (w/o encl.)
- CWRM, State DLNR (w/o encl.)
- DHO, Hawaii(w/o encl.)
- DHO, Maui (w/o encl.)
- DHO, Kauai (w/o encl.)
- EHS, Molokai/Lanai (w/o encl.) (Routed file copy)

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WE AGREE WITH THE TERMS AND CONDITIONS OF THIS LETTER:

/s/ D.C. Press
HONOLULU DISTRICT ENGINEER
U.S. ARMY CORPS OF ENGINEERS

28 Feb 03
DATE

/s/ Peter T. Young
CHAIR, DEPARTMENT OF
LAND AND NATURAL RESOURCES

03/07/03
DATE